

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

ANDREW JOSEPH HARRIS,

Plaintiff,

vs.

LOWELL BRANDT, ED O'BRIEN,
PRADEEP SAESWAT, IMCC
MEDICAL DEPARTMENT,

Defendants.

No. C08-0029-LRR

ORDER TRANSFERRING CASE

This matter is before the court pursuant to the plaintiff's application to proceed in forma pauperis. The plaintiff filed such application on March 27, 2008. Along with his application to proceed in forma pauperis, the plaintiff submitted a complaint and an application for appointment of counsel.

The complaint is brought under 42 U.S.C. § 1983, and jurisdiction is predicated on 28 U.S.C. § 1343. The defendants are located in the Southern District of Iowa and the events giving rise to the plaintiff's claims arose in the Southern District of Iowa. Venue in this district is not proper because the defendants are not located in the Northern District of Iowa and the events giving rise to the plaintiff's claims did not occur in the Northern District of Iowa. *See* 28 U.S.C. § 1391. Nevertheless, venue is proper in the Southern District of Iowa because the defendants are located in that district and the plaintiff's claims arose there. *Id.* In the interest of justice, this case is transferred forthwith to the United States District Court for the Southern District of Iowa. *See* 28 U.S.C. § 1404(a); 28 U.S.C. § 1406(a). The Clerk of Court is directed to file the complaint without the prepayment of fees and costs for the purpose of transferring the case, retain a copy of the file and send the entire file to the Southern District at Des Moines.

By this order, the court expresses no opinion as to whether the complaint is barred by 28 U.S.C. § 1915 or 28 U.S.C. § 1915A, whether the plaintiff is entitled to in forma pauperis status, that is, able to proceed under 28 U.S.C. § 1915, or whether the plaintiff is entitled to appointment of counsel.

IT IS SO ORDERED.

DATED this 3rd day of April, 2008.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA